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**FACSIMILE SUBMISSION UNDER 37 CFR 1.8**

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TO:	FROM:
Mail Stop Amendments Examiner Brian T. Gedeon	Jason D. Kelly
COMPANY:	DATE:
U.S. Patent & Trademark Office	JANUARY 3, 2007
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
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PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
571-272-3447	1023-361US01
RE:	APPLICATION SERIAL NUMBER:
Response to Office Action dated 10/2/06	10/825,965

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PATENTIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kenneth T. Heruth;  
Keith A. Miesel Confirmation No. 8233  
Serial No.: 10/825,965  
Filed: April 15, 2004 Customer No.: 28863  
Examiner: Brian T. Gedeon  
Group Art Unit: 3766  
Docket No.: 1023-361US01  
Title: COLLECTING ACTIVITY INFORMATION TO EVALUATE THERAPY

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CERTIFICATE UNDER 37 CFR 1.8 I hereby certify that this correspondence is being transmitted via facsimile to the United States Patent and Trademark Office on January 3, 2007.

By: Shirley A. Betlach  
Name: Shirley A. Betlach

Mail Stop Amendment  
Commissioner for Patents  
Alexandria, VA 22313-1450

Sir:

We are transmitting herewith the attached correspondence relating to this application:

- ☒ Transmittal sheet containing Certificate of Mailing  
☒ Amendment (17 pgs.)  
☒ No additional fee is required

Please apply any charges not covered, or any credits, to Deposit Account No. 50-1778.

Date: 1-3-07

By: Jason D. Kelly  
Name: Jason D. Kelly  
Reg. No.: 54,213

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Kenneth T. Heruth; Keith A. Miesel	Confirmation No.	8233
Serial No.:	10/825,965		
Filed:	April 15, 2004	Customer No.:	28863
Examiner:	Brian T. Gedeon		
Group Art Unit:	3766		
Docket No.:	1023-361US01		
Title:	<u>COLLECTING ACTIVITY INFORMATION TO EVALUATE THERAPY</u>		

**AMENDMENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action mailed October 2, 2006, the period of response for which runs through January 3, 2007 (January 2<sup>nd</sup> being a United States Patent and Trademark Office holiday), please amend the application as follows.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks begin on page 14 of this paper.